

## ORDINANCE NO. O-20-685

### AN ORDINANCE OF THE CITY OF MAPLE VALLEY, WASHINGTON, AMENDING PROVISIONS OF THE MAPLE VALLEY MUNICIPAL CODE CONCERNING CAMPING, STORING PERSONAL PROPERTY ON PUBLIC PROPERTY, AND SITTING AND LYING ON SIDEWALKS IN COMMERCIAL ZONES, PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE AND CORRECTIONS

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WHEREAS, the Maple Valley City Council desires to promote the public health, safety and general welfare of the citizens of the City of Maple Valley; and

WHEREAS, the Maple Valley City Council desired to review certain provisions of the Maple Valley Municipal Code related to camping on public property; and

WHEREAS, the City Council considered current case law impacting regulation of the unsheltered population, in particular, camping on public property and storing personal property on public property; and

WHEREAS, the Maple Valley City Council desires to amend its city code to promote the public health, safety and general welfare of both the unsheltered and sheltered citizens of the City of Maple Valley;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MAPLE VALLEY, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Chapter 7.05 of the Maple Valley Municipal Code, entitled “Rules Governing Use of City Parks – Civil Infractions” is hereby amended to read as follows (new text in underline; deleted text in ~~striketrough~~):

#### **Chapter 7.05** **RULES GOVERNING USE OF CITY PARKS – CIVIL INFRACTIONS**

Sections:

- 7.05.010 Purpose.**
- 7.05.020 Definitions.**
- 7.05.030 Hours of operation.**
- 7.05.035 Adhering to rules.**
- 7.05.040 No alcohol.**
- 7.05.050 No firearms or fireworks.**

- 7.05.060 Animal control.**
- 7.05.070 No fires.**
- ~~**7.05.080 No camping.**~~
- 7.05.085 No smoking.**
- 7.05.087 Sales of refreshments.**
- 7.05.090 Penalties – Civil infractions.**
- 7.05.100 Enforcement.**
- 7.05.110 Trespass.**

**7.05.010 Purpose.**

A. This chapter is enacted as an exercise of the authority of the City of Maple Valley to establish rules governing the use of City parks. Its provisions shall be liberally construed for the accomplishment of these purposes.

B. It is the express purpose of this chapter to provide for and promote rules governing the use of City parks and not to create or otherwise establish rules that would extend beyond the purpose of this chapter.

C. It is the specific intent of this chapter to place the obligation of complying with its requirements upon any and all persons using park facilities. This chapter is not intended to impose any duty whatsoever upon the City of Maple Valley, its officers, employees, or agents. The implementation or enforcement of this chapter by the City shall be discretionary and not mandatory.

D. Nothing contained in this chapter is intended to be, nor shall be, construed to create or to form the basis for any liability on the part of the City of Maple Valley, its officers, employees, or agents. (Ord. O-19-664 § 1; Ord. O-03-242 § 1; Ord. O-03-232 § 1).

**7.05.020 Definitions.**

As used in this chapter, the following terms shall have the meanings indicated, unless every context clearly requires otherwise:

A. “Alcoholic beverage” includes the four varieties of liquor defined as alcohol, spirits, wine and beer, all fermented, spirituous, vinous, or malt liquor, and all other intoxicating beverages, and every liquor, solid, or semisolid or other substance, patented or not, containing alcohol, spirits, wine or beer; all drinks or drinkable liquids and all preparations or mixtures capable of being consumed by humans. Any liquor, semisolid, solid or other substance that contains more than one percent alcohol by weight shall be conclusively deemed intoxicating.

~~B. “Camping” means the use of park land or other publicly owned property for living accommodation purposes including but not limited to any of the following:~~

- ~~1. Sleeping activities;~~
- ~~2. Making preparations to sleep;~~
- ~~3. Laying down of bedding for the purpose of sleeping;~~

- ~~4. Storing personal belongings;~~
- ~~5. Erecting any tent, tarpaulin, shelter, or other structure that would permit one to sleep overnight;~~
- ~~6. Using a motor vehicle for the purposes of sleeping.~~

~~CB.~~ “City park” means all City-owned or operated parks and any improved or unimproved trails or open spaces, golf courses, beaches, playgrounds, shelters, restrooms, indoor facilities, athletic fields and parking lots, within the boundary of a City-owned or operated park.

~~DC.~~ “Electronic cigarette” or “e-cigarette” means an electronic device usually composed of a mouthpiece, a heating element or atomizer, a battery, and electronic circuits that provide a gas derived from liquid nicotine and/or other substances which is inhaled by the user simulating smoking. The term includes such devices, regardless of the details of the product appearance or marketed name, generally manufactured to resemble cigarettes, cigars, pipes, or other smoking devices.

~~ED.~~ “Liquid nicotine” means any liquid product composed either in whole or in part of nicotine, propylene glycol and/or other similar substances and manufactured for use with e-cigarettes or other devices to be converted into a gas for inhaling.

~~FE.~~ “Person” means all persons, groups, firms, partnerships, corporations, clubs, and all associations or combinations of persons whenever acting for themselves or as an agent, servant, or employee.

~~GF.~~ “Smoke” or “smoking” means the carrying or smoking of any kind of:

1. Lighted pipe, cigar, cigarette, or other lighted smoking equipment.
2. An electronic cigarette or e-cigarette, or other device that results in the discharge of a gas derived from liquid nicotine.

~~HG.~~ “Special Event Application” means an application processed by the City’s Parks and Recreation Department authorizing the use of City parks that imposes conditions on the applicant in addition to those conditions imposed on the general public. (Ord. O-19-664 § 1; Ord. O-03-242 § 1; Ord. O-03-232 § 1).

#### **7.05.030 Hours of operation.**

City parks shall be open daily from dawn to one hour after dusk, unless posted otherwise. Signs indicating the hours of operation shall be posted in each park. It is unlawful to remain in a City park after the posted closing time, except when in designated areas at Lake Wilderness Park in conjunction with the rental of the park facility, or a portion thereof, and/or approved by a Special Event Application. (Ord. O-19-664 § 1; Ord. O-03-242 § 1; Ord. O-03-232 § 1).

#### **7.05.035 Adhering to rules.**

All persons using designated park areas shall obey all posted rules and/or the

instructions of lifeguards, facility managers, or other City staff. (Ord. O-19-664 § 1).

**7.05.040 No alcohol.**

It is unlawful to possess or consume alcoholic beverages in City parks except:

A. In designated areas at Lake Wilderness Park and Summit Park, in conjunction with the rental of the park facility, or a portion thereof. Designated areas, however, shall not include picnic shelters. Such requests shall be processed through the Parks Department through the submission of a Special Event Application and shall require the purchase of a Banquet Permit from the Washington State Liquor and Cannabis Board and event insurance, as well as the execution of a hold harmless/indemnification agreement.

B. At Lake Wilderness Golf Course when such beverages are purchased and consumed within the concessionaires' licensed premises. All activities shall comply with the Washington State Liquor and Cannabis Board requirements. (Ord. O-19-664 § 1; Ord. O-19-663 § 1; Ord. O-03-242 § 1; Ord. O-03-232 § 1).

**7.05.050 No firearms or fireworks.**

See Chapter 8.10 MVMC. (Ord. O-19-664 § 1).

**7.05.060 Animal control.**

A. Pursuant to Title 11 of the King County Code, it is unlawful to allow or permit any domestic animal to run at large in any City park, or to enter into any swimming area, pond or fountain therein. Any animal brought into or kept in a park area shall be on a leash not more than 15 feet in length, except in off-leash areas as designated by the City. All other elements of King County Code Title 11 shall be enforced.

B. Any person with a dog or other pet in his/her possession in a City park shall be responsible for both the conduct of the animal and for the disposal or removal of feces deposited by such animal. The person with the dog or other pet must use the pet mitts provided at the City park to dispose of animal feces or, when pet mitts are not available, must have in his/her possession the equipment for feces removal. (Ord. O-19-664 § 1; Ord. O-03-242 § 1; Ord. O-03-232 § 1).

**7.05.070 No fires.**

It is unlawful to build any fires in any City park except in areas designated and set aside for such purpose, unless specifically approved by a Special Event Application. It is unlawful to use any portable barbecue over 36 inches in length or less than 30 inches in height over a combustible surface unless said surface is protected by a heat shield or fireproof device placed under the barbecue. (Ord. O-19-664 § 1; Ord. O-03-242 § 1; Ord. O-03-232 § 1).

**~~7.05.080 No camping.~~**

~~No camping shall be allowed in any City park, except by approval of a Special Event Application for a City-sanctioned event or activity. (Ord. O-19-664 § 1; Ord. O-03-242 § 1; Ord. O-03-232 § 1).~~

**7.05.085 No smoking.**

Smoking, as defined by MVMC 7.05.020(G), is prohibited within the boundaries of any City park, except Lake Wilderness Golf Course. (Ord. O-19-664 § 1).

**7.05.087 Sales of refreshments.**

No person, group, or organization shall sell refreshments or merchandise in a City park except upon approval of a Special Event Application or a concession contract with the City's Parks and Recreation Department. (Ord. O-19-664 § 1).

**7.05.090 Penalties – Civil infractions.**

A. Civil Infraction. Any person found to have committed a civil infraction shall be assessed a monetary penalty of \$250.00.

B. Each violation of this chapter shall be a separate violation. (Ord. O-19-664 § 1; Ord. O-03-242 § 1; Ord. O-03-232 § 1).

**7.05.100 Enforcement.**

The City of Maple Valley Police Department shall be responsible for enforcing the provisions of this chapter excepting those violations covered by Title 11 of the King County Code related to animal control. The initial method of enforcement shall be a request for voluntary compliance. (Ord. O-19-664 § 1; Ord. O-03-242 § 1; Ord. O-03-232 § 1).

**7.05.110 Trespass.** Any person who is found guilty of committing a crime on City park property may be trespassed from the City park at which the crime was committed. The crimes to which this provision applies are found in MVMC Title 9. (Ord. O-19-664 § 1).

Section 2. A new Section, Section 9.05.635, of the Maple Valley Municipal Code, entitled "Unauthorized Public Camping" is hereby added in full as follows:

**9.05.635 Unauthorized Public Camping**

**A. Definitions.**

1. "Camping" means the use of property for living accommodation purposes including but not limited to any of the following:

- (a) Sleeping activities;
- (b) Making preparations to sleep;
- (c) Laying down of bedding for the purpose of sleeping;
- (d) Storing personal belongings;
- (e) Erecting any tent, tarpaulin, shelter, or other structure that would

permit one to sleep overnight.

2. “City park” means all City-owned or operated parks and any improved or unimproved trails or open spaces, golf courses, beaches, playgrounds, shelters, restrooms, indoor facilities, athletic fields and parking lots, within the boundary of a City-owned or operated park.

B. Unauthorized public camping. It shall be unlawful for any person to camp on any publicly owned property, including city parks, streets, rights-of-way, sidewalks, or any other public areas of which the city, or other governmental entity, has a property interest, unless authorized by a Special Event Permit related to a City sanctioned event or activity.

C. Penalty. Unauthorized public camping is a misdemeanor and shall be punished upon conviction of such violation by a fine of not more than one thousand dollars, or by imprisonment not to exceed ninety days, or by both such fine and imprisonment. Prior to and in lieu of the filing of criminal charges by the city prosecutor, first time offenders shall be issued a noncriminal notice, a copy of this chapter, and a resource list of community providers of housing, mental health, alcohol dependence, and/or drug addiction treatment services. This provision does not establish or otherwise obligate the city or its employees to provide said services, nor does it establish any right to such services by any person.

D. Exception - No Available Shelter. Law enforcement officers shall not enforce the unauthorized camping provisions of this section when no alternative accommodations are available. As used in this section, an alternative accommodation is available if (1) a community service organization has available vouchers that allow an individual or family unit experiencing homelessness to stay overnight at a hotel or motel without charge; or (2) space is available without charge at a temporary tent encampment as defined in Chapter 18.75 for an individual or family unit experiencing homelessness; or (3) space is available for an overnight stay without charge at a public or private shelter open to an individual or family unit experiencing homelessness. If an individual or family unit cannot use an available accommodation because of the individual or family member’s sex, familial or marital status, religious beliefs, disability, or length-of-stay restrictions, the accommodation is not considered available. The accommodation is considered available if the individual could not use the accommodation due to voluntary actions such as intoxication, drug use, unruly behavior or violation of shelter rules.

Section 3. A new Section, Section 9.05.637, of the Maple Valley Municipal Code, entitled “Unauthorized Public Storage of Personal Property in Public Spaces” is hereby added in full as follows:

**9.05.637 Unauthorized Storage of Personal Property in Public Spaces.**

A. Definitions.

1. “Store” means to put aside or accumulate for use when needed, to put for safekeeping, to place or leave in a location.

B. Unauthorized storage of personal property in public places. It shall be unlawful for any person to store personal property, including equipment associated with camping (as defined in Section 9.05.635), on publicly owned property, including city parks, streets, sidewalks, rights-of-way, or any other public areas of which the city, or other governmental entity, has a property interest. Before initiating any action to remove personal property from public property, law enforcement shall provide at least 72 - hours notice and an opportunity to be heard. After the notice period has expired, any personal property that is seized by law enforcement shall be securely stored for a period of seventy (70) days. Notice shall be provided as to where the public property can be reclaimed. The notice provisions of this section apply to all unauthorized personal property stored on public property, including unattended property.

C. Penalty. Unauthorized public storage is a misdemeanor and shall be punished upon conviction of such violation by a fine of not more than one thousand dollars, or by imprisonment not to exceed ninety days, or by both such fine and imprisonment. Prior to and in lieu of the filing of criminal charges by the city prosecutor, first time offenders shall be issued a noncriminal notice, a copy of this chapter, and a resource list of community providers of housing, mental health, alcohol dependence, and/or drug addiction treatment services. This provision does not establish or otherwise obligate the city or its employees to provide said services, nor does it establish any right to such services by any person.

Section 4. A new Section, Section 9.05.565, of the Maple Valley Municipal Code, entitled “Sitting or lying down upon public sidewalk prohibited” is hereby added in full text as follows:

**9.05.565 Sitting or lying down upon public sidewalk prohibited.**

A. Prohibition. No person shall sit or lie down upon a public sidewalk, or upon a blanket, chair, stool, or any other object placed upon a public sidewalk, during the hours between 7:00 a.m. and 9:00 p.m. in the commercial zones in the City of Maple Valley as identified in the City of Maple Valley’s zoning map, and as hereinafter amended.

B. Exceptions. The prohibition in subsection (A) of this section shall not apply to any person:

- (1) Sitting or lying down on a public sidewalk due to a medical emergency;
- (2) Who, as the result of a disability, utilizes a wheelchair, walker, or similar device to move about the public sidewalk;

- (3) Operating or patronizing a commercial establishment conducted on the public sidewalk pursuant to a street use permit; or a person participating in or attending a parade, festival, performance, rally, demonstration, meeting, or similar event conducted on the public sidewalk pursuant to a street use or other applicable permit;
- (4) Sitting on a chair or bench located on the public sidewalk which is supplied by a public agency or by the abutting private property owner.

Nothing in any of these exceptions shall be construed to permit any conduct which is prohibited by this or any other chapter of the Maple Valley Municipal Code.

C. Penalty. No person shall be cited under this section unless the person has been notified by a law enforcement officer that their conduct is prohibited by this section. A violation of this section shall be a civil infraction and shall be subject to a fine of up to \$250.00, plus statutory assessment. If the person is unable to pay the monetary penalty, the court may order performance of a number of hours of community service in lieu of a monetary penalty.

D. Notwithstanding and in lieu of the penalties provided under subsection (C) of this section, a violation of this section is a misdemeanor, punishable by a fine not to exceed \$1,000 or imprisonment not to exceed 90 days or by both such fine and imprisonment, if the offender has at least two prior violations of this section.

Section 5. Severability. If any section, subsection, clause, sentence, or phrase of this ordinance should be held invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 6. Effective Date. This ordinance, being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum and shall take effect five (5) days after passage and publication of an approved summary thereof consisting of the title.

Section 7. Corrections by City Clerk or Code Reviser. Upon approval of the City Attorney, the City Clerk and the Code Reviser are authorized to make necessary corrections to this Ordinance, including the correction of clerical errors; references to other local, state or federal laws, codes, rules, or regulations; or section/subsection numbering.

**ADOPTED ON NOVEMBER 25, 2019 AT A REGULAR BUSINESS  
MEETING BY THE CITY COUNCIL OF THE CITY OF MAPLE VALLEY:**

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MAYOR SEAN P. KELLY



ATTEST/AUTHENTICATED:

\_\_\_\_\_  
CITY CLERK, SHAUNNA LEE-RICE

APPROVED AS TO FORM:  
OFFICE OF THE CITY ATTORNEY:

BY \_\_\_\_\_  
PATRICIA TARADAY

FILED WITH THE CITY CLERK: November 25, 2019  
PASSED BY THE CITY COUNCIL: November 25, 2019  
PUBLISHED: November 29, 2019  
EFFECTIVE DATE: December 3, 2019  
ORDINANCE NO. O-19-685